

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Marlyn J. ANDERSON et al.) Group Art Unit: 2613
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Serial No.: 09/826,394) Examiner: Dalzid E. Singh
Confirmation No.: 2939)
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Filed: April 3, 2001)

For: LOW POWER PORTABLE COMMUNICATION SYSTEM WITH WIRELESS
RECEIVER AND METHODS REGARDING SAME

RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Office Action of September 17, 2008 has been received and reviewed. No claims have been amended, canceled or added. As such, claims 1-9, 11-21, 23-28, 45-48, 50-54, 56-74, and 79-92 are pending (contrary to the Office Action Summary, claims 52-54 are pending). Reconsideration and withdrawal of the rejections are respectfully requested as discussed below.

Allowable Subject Matter

The Examiner has allowed claims 1-9, 11-21, 23-28, 45-48, 50-54, 56-60, 69-74, and 79-92.

Double Patenting Rejection

Claim 61 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 14 of U.S. Patent No. 7,095,981. A Terminal Disclaimer was filed on October 25, 2007 which, Applicants submit, was in compliance with 37 CFR 1.321(c) and thereby obviates the Examiner's double patenting rejection of pending claim 61 in view of U.S. Patent No. 7,095,981. Further, claims 62-68 were only objected to by the Examiner due to the rejection of claim 61 upon which they depend, either directly or indirectly. As such, these claims are also believed to be in allowable condition.